

THE UNITED NATIONS (SECURITY COUNCIL) BILL. 42

HON'BLE MR. A. J. JOHN: To my knowledge yes.

MR. P. S. MOHAMMED: സർ, ഒരു പായിൻറു ആഫ് ആർഡർ. ഈ ബില്ലിന്റെയും നോട്ടീഫിക്കേഷനിൽ "As ordered by the Deputy President" എന്നാണ് പറഞ്ഞിരിക്കുന്നത്.

HON'BLE MR. A. J. JOHN: ഡെപ്യൂട്ടി പ്രസിഡൻറിന് അധികാരം കൊടുത്തു റൂൾ ഭേദഗതി ചെയ്യുകയാണ് ഈ ബിൽ പരസ്യം ചെയ്തിരിക്കുന്നത്.

The bill may be referred to a select committee consisting of M/S. P. Balakrishnan Tampi, Eapen Arakkal and Mankuzhi Madhavan.

MR. P. BALAKRISHNAN TAMPI: Another name may be suggested in my place.

HON'BLE MR. A. J. JOHN: Then it may be referred to a Select committee consisting of M/S. G. Chandrasekhara Pillai, Eapen Arakkal and Mankuzhi Madhavan.

The motion was put and carried.

THE UNITED NATIONS (SECURITY COUNCIL) BILL.

HON'BLE MR. A. J. JOHN: I beg leave to introduce the United Nations (Security Council) Bill. The bill was published in the Gazette dated 23rd November 1948. The objects of the Bill are given below:—

The Government of India have ratified the Charter of the United Nations signed at San Francisco on the 26th day of June 1945. Article 41 of the Charter provides that the Security Council of the United Nations may decide what measures not involving the use of armed force are to be employed to give effect to its decision and that it may call upon the members of the United Nations to apply such measures. By Act XLVI of 1947 the Government of India have made provision to enable them to apply effectively the measures which the Security Council may call upon them to put into force. It is considered necessary to adopt a similar measure in Travancore also. The purpose of this Bill is to enable the Government to apply effectively the measures which the Security Council may decide to be given effect to. Hence the Bill.

MR. A. THANU PILLAI: May I ask if the House can have any idea under which action may have to be taken? I have not been able to pursue independently what has been given in the Statement of objects and Reasons. It does not convey any idea. We must have some idea as to what we are legislating.

HON'BLE MR. A. J. JOHN: There is only one section in that bill and it is so very clear.

"If, under Article 41 of the Charter of the United Nations signed at San Francisco on the 26th day of June 1945 the Security Council of the United Nations calls upon our Government to apply any measures, not involving the use of armed force, to give effect to any decision of that Council our Government may by order published in our Government Gazette make such provisions (including provisions having extra-territorial operation) as appear to them necessary or expedient for enabling those measures to be effectively applied, and without prejudice to the generality of the foregoing power, provision may be made for the punishment of person's offending against the order".

MR. A. THANU PILLAI: Will the member please read Art. 41 of the Charter of the United Nations?

HON'BLE MR. A. J. JOHN: Art. 41. The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. It has been ratified by Government of India. The purpose of the Bill is to enable the Government to give effect to certain provisions of the United Nations.

HON'BLE MR. N. KUNJURAMAN: I second the motion.

MR. P. BALAKRISHNAN TAMPIL: I oppose the introduction of the Bill. It is almost a mockery to pass a legislation of this sort here. As long as we are in the Dominion of India we follow the policy of the Dominion. As we are a dependent country which is a component part of India it is superfluous for this State to pass such a Bill. The Government of India is one of the component parts of the United Nations and I can understand their passing the law in the Central Legislature about it. But I do not think that there is any necessity for this law being passed by one of the component units of the Dominion. If we are not bound by the terms of Accession to obey their dictates, I would say the time for passing this Bill is most inopportune. By no means we are advising the proceedings of the United Nations. The harmless Chinese are extending their hands for help and they do not know from where they can get. Whether there is not an effective hearing or advice or guidance from the Super Secretariat sitting in one capital or another, it is a matter for consideration whether this small State of Travancore has any necessity to go hand in hand to accept the above Bill. About the International debating Society, the United Nations and such other matters we are in the backwaters. When the important nations have joined in these matters—they themselves have lost faith in it. We in this distant part of the world

are dutifully and prayerfully signing and passing this enactment. If we are a part of the Government of India in foreign policies we will be guided by the Dominion of India. Then also this law is superfluous here. The Dominion of India itself has not decided about this point. The United Nations themselves do not know what their mind is regarding these International matters. This is not the moment to pass such a Bill. In any case we need not pass such a Bill.

MR. A. THANU PILLAI: I thought I could get some more information from the Honourable Minister who moved the introduction of this measure. The section, as it is, under Art. 41.....

MR. PRESIDENT: Order please.

I will put it to the House to know whether it grants leave to introduce the Bill. Then these explanations may be asked.

MR. P. BALAKRISHNAN TAMPI: About the second point, Sir.

MR. PRESIDENT: You can hear what the Honourable members say, and then see if there is leave for introduction.

HON'BLE MR. A. J. JOHN: It is already published in the Gazette and so no leave is necessary.

MR. PRESIDENT: Yes.

MR. A. THANU PILLAI: It is then leave that is sought or is the Bill being introduced? I should like to know.

HON'BLE MR. A. J. JOHN: The Bill is being introduced.

MR. A. THANU PILLAI: May I ask the Chair whether that is not a matter for the Chair, and not for the Minister in charge?

HON'BLE MR. A. J. JOHN: I introduced the Bill and so I have a right to say that.

MR. A. THANU PILLAI: I doubt very much.

MR. PRESIDENT: Since the Bill is already published in the Gazette under orders of the President, leave is not necessary for introduction.

MR. A. THANU PILLAI: I understand that. You said it was for leave.

MR. PRESIDENT: Yes. I was under a misunderstanding whether leave was asked for.

MR. A. THANU PILLAI: Now the main Section reads like this: "If under Article 41 of the Charter of the United Nations signed at San Francisco on the 26th day of June 1945 the security Council of the United Nations calls upon our Government to apply any measures, not involving the use of armed force, to give effect to any decision...." I am at a loss to know whether we—the Travancore State—have joined the United Nations. I don't understand. As I have understood the position, it is India that has joined the United Nations. The Honourable Minister read out Article 41 which I

[Mr. A. Thanu Pillai.]

was not able to follow clearly. Anyway I should like to know whether the United Nations are at any time likely to call upon the Travancore Government—

HON'BLE MR. A. J. JOHN: If the Honourable member wants a copy of Article 41, I am prepared to hand it over to him.

MR. A. THANU PILLAI: Yes; I should like to have a copy of Article 41.

MR. JOSEPH MALIECKAL (*Todupuzha I—General*): Will the Government supply a copy of it to all the members?

MR. A. THANU PILLAI: I don't understand why an Honourable member should get so perturbed over the attempts of another member to get some information.

This is Section 41: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions and it may call upon the members of the United Nations to apply such measures. This may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations."

My difficulty is not at all cleared. Under Article 41 "the Security Council may call upon the members of the United Nations to apply such measures." Now it is not quite a simple question, Sir, whether Travancore as such is a member of the United Nations and Travancore has entered into any membership as such in its own right with the United Nations and whether the United Nations are likely to call upon Travancore as a member.

MR. JOSEPH MALIECKAL: Has the member read the Instrument of Accession and the Standstill Agreement?

MR. A. THANU PILLAI: I do not understand how that question is relevant here.

MR. JOSEPH MALIECKAL: I am sorry.

MR. A. THANU PILLAI: You may be sorry, but I am not at all sorry. (*Laughter*)

I should like to know whether the United Nations would call upon our Government whether in spite of Article 41 of the United Nations Charter, the United Nations are likely to call upon the Travancore Government to apply any measures or whether they will call upon the Government of India. Here, a member of the United Nations may be called upon. But that member-nation is India. No doubt Travancore forms part of India, and in regard to India's relations with the United Nations, Travancore is bound by the arrangements that the Government of India make. But that does not mean that the United Nations will call upon the Travancore Government to do anything. That is my difficulty.

Again, Sir, I would like to know whether we should legislate at all for this purpose. A friend here asks me whether I am aware of the existence of the Instrument of Accession and the Standstill Agreement. Now, as far as the Instrument of Accession goes, we have already acceded in respect of these things and any legislation for to these matters, particularly the relations of rail, sea, air, post and telegraphs; and other means of communications diplomatic relations, we are certainly controlled by the Government of India, but how the necessity for a legislation of this kind arises, I am at a loss to know. That is why I wanted more information from the member who introduced the Bill.

(Mr. K. S. Joseph stood up)

I do not yield, I know when to yield. The question, according to me, deserves an answer and coming from a member to whom I should yield, I shall yield. Otherwise I shall not yield.

MR. K. S. JOSEPH (*Thiruvalla VI General*): May I know whether the member has not sat down now?

MR. A. THANU PILLAI: I sat down here because the Chair stood up; not because a member wanted to disturb me. (*Laughter*)

MR. PRESIDENT: We shall not discuss that question.

MR. A. THANU PILLAI: Then the Chair ought to have told him so and not to me. Anyway I bow to your ruling not to discuss that question. I should like to get more information on this point—whether we should legislate or whether the Security Council of the United Nations can call upon our Government, and if we should legislate, what the wording should be, what the form of legislation should be, etc. In regard to these matters I hope the Law Member will shed more light and help the House to come to a decision.

HON'BLE MR. A. J. JOHN: The Security Council may have to decide what measures are necessary to enforce its decision without resorting to armed forces and those States in the Security Council will be asked to carry out those measures. For that purpose, India being a member of the Security Council, has agreed to pass that Article 41 and the Government of India.....

MR. A. THANU PILLAI: I wish to know from the member whether in view of the existing political relations between the Government of India and ourselves, this legislation is necessary.

HON'BLE MR. A. J. JOHN: Yes. The Government of India have asked this Government to pass such a legislation.

MR. A. THANU PILLAI: I should also like to know whether the member envisages a situation in which the Security Council of the United Nations will call upon the Travancore Government,.....

HON'BLE MR. A. J. JOHN: It is not possible for me to give an opinion on the matter.

MR. A. THANU PILLAI: Can we legally do so?

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HON'BLE MR. A. J. JOHN: That depends upon the circumstances?

MR. JOSEPH MALIECKAL: Can the Government supply information to all the honourable members? I would request that a copy of the Instrument of Accession and the Standstill Agreement may be supplied to the members so that they may be aware of the relations between the Government of India and the States which have acceded.

HON'BLE MR. A. J. JOHN: Copies are not available with the Government at present.

MR. P. BALAKRISHNAN TAMPI: May I ask the honourable member whether it would not be embarrassing to this Government if, in the contingency of the Government of India differing from the United Nations in this particular matter, Travancore can be asked to carry out the orders or the behests of the United Nations?

HON'BLE MR. A. J. JOHN: The subject is an acceded subject and so the authority of the Government of India will bind this Government.

MR. P. BALAKRISHNAN TAMPI: Therefore, is it not better if the Central Legislature makes the provision?

HON'BLE MR. A. J. JOHN: That will not be binding upon Travancore at present.

MR. P. BALAKRISHNAN TAMPI: I am afraid we are not free from the law of sedition in this House.

MR. G. RAMACHANDRAN: To the question whether the Travancore Government can be called upon by the Security Council to implement this kind of thing, the answer given by the Law Member was that he was not able to say so at present. This is a crucial point on which we want clarification. Really, are we not really doing something totally unnecessary by bringing up this matter, when the Minister himself is not certain whether any such contingency can ever arise.

HON'BLE MR. A. J. JOHN: This Government has acceded in this subject to the Government of India. The Security Council may demand such an Act from the Government of India and that will be binding on the State. At present the constitution is not finally settled and so we also have to frame such an Act here.

MR. A. TRANU PILLAI: At present, is this Government likely to be called upon by the Security Council direct?

HON'BLE MR. A. J. JOHN: I am not prepared to answer that question.

MR. G. RAMACHANDRAN: It is a pertinent question.

HON'BLE MR. A. J. JOHN: I don't think that needs an answer—irrespective of whether it is a pertinent question or not.

MR. P. BALAKRISHNAN TAMPI: Is he not speaking with the tone of the President? (Laughter)

MR. G. RAMACHANDRAN: I suggest that he should be forgiven if he speaks in the tone of the President. (Renewed laughter)

MR. P. S. MOHAMMED : ഇതിൽ "Our Government" എന്നു സമാനതയുള്ള "ഇൻഡ്യാഗവണ്മെൻറിനു വേണ്ടി" എന്നുള്ള അർത്ഥത്തിൽ സ്വീകരിക്കുകയാൽ എന്താണു വിഷമം ?

HON'BLE MR. A. J. JOHN : അക്കാര്യം സെലക്ട് കമ്മിറ്റിക്കു കൈമാറ്റം അവിടെ വെച്ചു ആലോചിക്കാവുന്നതാണ്.

MR. PRESIDENT : Since the introduction has been objected to by one of the honourable members, I put the question.

MR. P. BALAKRISHNAN TAMPIL : May I suggest that a better course would be to refer the matter to the Government of India and get a further elucidation in the matter instead of rushing on with it.

MR. PRESIDENT : I put the motion.

The motion that the Bill be taken into consideration was put to vote and carried.

MR. P. NAVOO : I demand a poll.

MR. A. THANU PILLAI : For which side did the member vote? Can he demand a poll when the motion has been carried?

MR. ABDUL AZIZ : Is it open to a member, who is neutral, to demand a poll?

MR. PRESIDENT : Generally, the poll is demanded and granted when a member who has been defeated asks for it.

MR. T. A. ABDULLA (*Ambalapuzha I—Muslim*) : സർ, ഈ സംഗതിയെപ്പറ്റി ഇതിനുമുമ്പ് ഒരു രൂളിംഗ് ആവശ്യപ്പെട്ടിട്ടുണ്ടായിരുന്നു. ആ രൂളിംഗ് നൽകുന്നതിന് അപ്പോൾ വിഷമമായിരുന്നതുകൊണ്ട് രൂളിംഗ് പിന്നീട് തരാമെന്നു അന്നത്തെ പ്രസിഡൻറു അവർകൾ പറഞ്ഞിരുന്നു. ഇതുവരെ ആ രൂളിംഗ് ഉണ്ടായിട്ടില്ല. ഇതിനു ഒരു precedent പാർലമെൻറി പ്രാക്ടീസിൽ ഉണ്ടെന്നു തോന്നുന്നില്ല. അതുകൊണ്ട് ഇതിനെ സംബന്ധിച്ച ആലോചിച്ച് ഒരു രൂളിംഗ് നൽകുന്നതായിരിക്കും നല്ലതെന്നാണ് എന്റെ അഭിപ്രായം.

MR. PRESIDENT : I have not given a final ruling. So you will go on with the question of referring the Bill to a Select Committee.

HON'BLE MR. A. J. JOHN : I move that the Bill be referred to a Select Committee consisting of the following members : —

Mr. S. Nilakanta Aiyar.

Mr. E. Bhaskaran

Mr. Krishnan Ayyappan

Mr. K. A. Gangadhara Menon

Mr. E. P. Poulse

HON'BLE MR. N. KUNJURAMAN : I second it.

MR. T. A. ABDULLA : ഈ സംഗതിയെപ്പറ്റി നിയമസഭയ്ക്കു പുറപ്പെടുവിച്ച ചില മെമ്പർമാരെക്കൂടി സെലക്ട് കമ്മിറ്റിയിൽ ചുട്ടു കണമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു.

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HON'BLE MR. A. J. JOHN: Mr. A. Thanu Pillai and Mr. P. Balakrishnan Tampi.

MR. A. THANU PILLAI: Is it on account of the plea made by him?

MR. T. A. ABDULLA: I did not make a plea for his inclusion.

MR. P. BALAKRISHNAN TAMP: I am grateful for the place. (Laughter)

MR. PRESIDENT: Does the Minister accept the names?

HON'BLE MR. A. J. JOHN: I accept. Messrs. A. Thanu Pillai and Balakrishnan Tampi.

MR. A. THANU PILLAI: I wish to be excused, because, generally when the introduction of a Bill is opposed, it is a principle that at least some of those who opposed the Bill are also included in the Select Committee. It is a wholesome practice; but the Law Member thought it necessary first to exclude me and others who opposed the Bill, and now, at the plea of another member, he is including my name. It is too much for me. I decline the offer. You may be pleased to delete my name.

HON'BLE MR. A. J. JOHN: Whether it is too much or too little, it is left to his choice. He can choose to be a member or he need not.

MR. G. RAMACHANDRAN: That goes without saying.

MR. P. BALAKRISHNAN TAMP: We cannot afford to be a little too strong, obviously. It has always been one of the functions of the Treasury Benches that they must be conciliatory.

The motion that the Bill be referred to a Select Committee composed of the members mentioned above was put and carried.

MR. PRESIDENT: We will now go to the next item on the agenda.

THE TRAVANCORE SOCIETIES REGISTRATION BILL.

HON'BLE MR. A. J. JOHN: I move that the Travancore Societies Registration Bill be taken up next.

MR. A. THANU PILLAI: What has become of the United Nations (Privileges and Immunities) Bill?

MR. PRESIDENT: That is postponed.

MR. A. THANU PILLAI: I am sorry, Sir, even with the mike you are not making yourself audible always.

HON'BLE MR. A. J. JOHN: I beg to introduce the Travancore Societies Registration Bill.

ഇതുവരെ തിരുവിതാംകൂറിൽ ലിറ്റററി, സൈൻറിഫിക്, ചാരിറ്റബിൾ എന്നീ ഇനം സൊസൈറ്റികൾക്കു നിയമാനുസൃതമായ ഒരു സ്റ്റാറ്റൂസ് ഇല്ലായിരുന്നു. അതുമാത്രമല്ല തിരുവിതാംകൂർ അഡ്വക്കേറ്റ്സ് അസോസിയേഷൻ ഈ മാതിരിയൊരു നിയമം പാസ്സാക്കേണ്ടതു ആവശ്യമാണെന്നു ഗവണ്മെൻറിനെ അറിയിച്ചിട്ടുണ്ട്. ഈ സൊസൈറ്റികൾക്കു ഒരു കേസുകൊടുക്കുകയോ, ഈ സൊസൈറ്റി